

Before the
Federal Communications Commission
Washington, D.C.

In re:)	
2000 Biennial Regulatory Review –)	
Streamlining and Other Revisions of)	
Part 25 of the Commission’s Rules)	IB Docket No.
00-248		
Governing the Licensing of, and)	
Spectrum Usage by, Satellite Network)	
Earth Stations and Space Stations)	
)	
Sixth Report and Order and Third Further)	
Notice of Proposed Rulemaking)	

**Reply Comments of National Programming Service, LLC
on Third Further Notice**

National Programming Service, LLC (“NPS”), by its counsel,
herewith submits its Reply Comments in response to the
Commission’s Sixth Report and Order and Third Further Notice of
Proposed Rulemaking in IB Docket 00-248.

*No Parties Favor FCC’s Proposed Ban on Continued Satellite
Analog Video C-Band Operations Nor Requiring Additional Off-
Axis Configurations*

Some **seventeen (17)** parties¹ filed seven separate sets of Comments (including NPS), which address the major issue of concern with respect to C-Band analog video transmission/receipt; i.e., a proposed flat ban in the near future of all such transmissions/receipt (Notice at paras. 84-88; paras. 87-88 in particular; pp. 32-33). These parties represent **all** facets and providers of information, news and entertainment programming to the American public – broadcast, cable TV, wireless (MMDS), and direct satellite. Continuous and substantial suppliers/users of satellite distribution channels, they all submitted cogent reasons, with some also submitting technical showings, as to why the FCC should not prohibit such continued analog video C-Band satellite operations.

A few also commented on the other potential issue of concern to C-Band analog video; i.e., newly proposed off-axis EIRP

¹ The Satellite Industry Association; C-SPAN; The National Cable & Telecommunications Association; Time Warner, Inc.; CBS Broadcasting, Inc., Fox Broadcasting Company, Microspace Communications Corporation, MTV Networks, Showtime Networks, Inc., Twentieth Television; The Walt Disney Company (including ABC, Inc., ABC Cable Networks Group, Buena Vista Television and ESPN) (Joint Comments); and SES Americom, Inc.

envelope configurations.² Again, they presented cogent reasons (including technical analysis/statements), why the Commission should not require such.

Just as telling – there were **no** Comments filed in support of the Commission’s proposed ban on analog video C-Band operations nor the proposed C-Band off-axis operational requirement.

Issues of Concern Common to NPS & the Satellite Industry & Users in General

All parties who commented on either or both these issues backed up their positions with economic, financial, technical showings by some, and public interest reasons for the Commission **not** to adopt these proposals. NPS will not belabor the points it made in its initial Comments nor those which were similarly advanced by these other parties. NPS would just highlight some of the particular Comments – comments that are most comprehensive and telling:

Proposed Flat Ban Not Necessary & Would Severely Impact Industry Providers & Users

² In addition to NPS, The Satellite Industry Association and SES Americom, Inc. specifically argued against imposing any off-axis EIRP envelope to analog C-Band transmissions.

Virtually all commenters noted the millions of dollars' cost as well as significant technical disruptions and logistical nightmares if any or all the affected industries (broadcast, cable TV, wireless and direct satellite), were required to rapidly convert to an all digital satellite transmission mode and eliminate existing and significant/substantial C-Band analog video operations. (See Comments of Time Warner, SES Americom (pp. 6-7), CBS (Joint Comments at pp. 6-7), NCTA and C-SPAN) They also noted the technical disruption that would be forced upon suppliers, distributors and hundreds of thousands of users.

FCC Off-Axis Operational Proposal Not Warranted

SIA advanced very cogent reasons why not to adopt any new or additional off-axis operational requirements for C-Band analog video transmissions. NPS is in full agreement with SIA's position on the FCC's off-axis proposals. (See SIA Comments at pp. 3, and 20-21) The commenters all noted that the Commission has cited no evidence as to the potential for interference and no instance of actual interference among C-Band transmitters/receivers allegedly caused to or from analog video.

Alternate C-Band Phasing Out Proposal

All parties noted the continued migration towards digital transmissions/reception, but they agreed with NPS that there should be no impetus from the Commission to accelerate such transition when there is no good reason to interfere with the natural market place and anticipated replacement over the next several years of analog with digital receivers.

Alternate Sunset Proposal

Those parties addressing a possible sunset proposal all argued that none is needed, but if any is ultimately imposed, it should be over a multi-year period. Again, NPS submits that it be at least a *ten (10) year* transition period from date of adoption of final Rules, **if** any sunset provision is adopted. Certainly, as all parties noted, a one year proposed phase out is woefully inadequate and simply not realistic in the operational real world and market place.

WHEREFORE, NPS respectfully renews its request that the Commission not impose any restrictions on C-Band analog transmission/reception of domestic video satellite signals, and not impose any new off-axis operational requirements.

Alternatively, NPS requests that the Commission allow for a period of at least ten (10) years from the date of the release of a Final Order to transition over to an all digital environment.

Respectfully submitted,

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